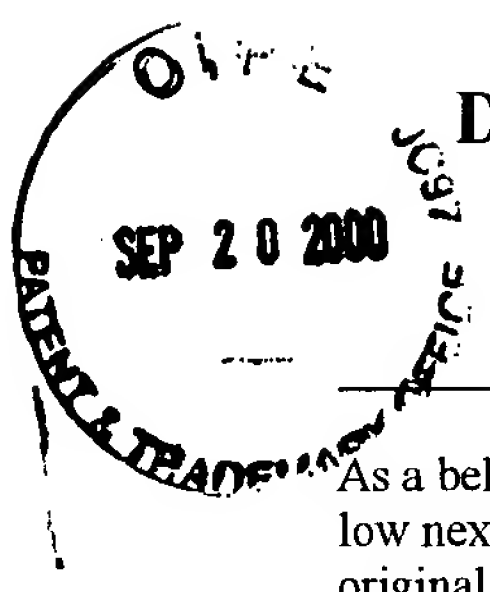


43



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ATTORNEY DOCKET NO. P3814

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Methods and Apparatus for Background Memory Management

the specification of which (check one) ☐ is attached hereto.
☐ was filed on:
☒ Application Serial No. 09/602,279
☐ and was amended on
(If applicable)

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, s 1.56 (a). In the case that the present application is a continuation-in-part application, I further acknowledge the duty to disclose material information as defined in 37 CFR s 1.56(a) which became available between the filing date of the prior application and the filing date of the present application. I hereby claim foreign priority benefits under Title 35, United States Code s119 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	(Number)	(Country)	(Day/Month/Year Filed)
	(Number)	(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, s120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, s112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, s156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.): _____	(Filing Date): _____	(Status): _____
(Application Serial No.): _____	(Filing Date): _____	(Status): _____
(Application Serial No.): _____	(Filing Date): _____	(Status): _____
(Application Serial No.): _____	(Filing Date): _____	(Status): _____
(Application Serial No.): _____	(Filing Date): _____	(Status): _____

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.
(List name and registration number)

Name: Donald R. Boys Reg. No. 35,074

SEND CORRESPONDENCE TO:
Donald R. Boys
P.O. Box 187
Aromas, CA 95004

DIRECT TELEPHONE CALLS TO:
Donald R. Boys (831) 726-1457

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Mario Nemirovsky

1st inventor's signature: _____ Dated: 6/1/00

Residence: Saratoga, CA Citizenship: USA

Post Office Address: 750 University Av., Los Gatos, CA 95032

Full name of 2nd joint inventor, if any: Narendra Sankar

2nd inventor's signature: _____ Dated: 6/1/00

Residence: Campbell, CA Citizenship: India

Post Office Address: 750 University Av., Los Gatos, CA 95032

Full name of 3rd joint inventor, if any: Adolfo Nemirovsky

3rd inventor's signature: _____ Dated: 6/1/00

Residence: San Jose, CA Citizenship: USA

Post Office Address: 750 University Av., Los Gatos, CA 95032

Full name of 4th joint inventor, if any: Enric Musoll

4th inventor's signature: _____ Dated: 6/1/00

Residence: San Jose Citizenship: Spain

Post Office Address: 750 University Av., Los Gatos, CA 95032

Full name of 5th joint inventor, if any: _____

5th inventor's signature: _____ Dated: _____

Residence: _____ Citizenship: _____

Post Office Address: _____

Full name of 6th joint inventor, if any: _____

6th inventor's signature: _____ Dated: _____

Residence: _____ Citizenship: _____

Post Office Address: _____

Full name of 7th joint inventor, if any: _____

7th inventor's signature: _____ Dated: _____

Residence: _____ Citizenship: _____

Post Office Address: _____

Full name of 8th joint inventor, if any: _____

8th inventor's signature: _____ Dated: _____

Residence: _____ Citizenship: _____

Post Office Address: _____



3814

PTO/SB/10 (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
P3814

Applicant or Patentee: Mario Nemirovsky, et al.
Application or Patent No.: NA
Filed or Issued: NA
Title: Methods and Apparatus for Background Memory Management

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN XStream Logic, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 750 University Ave., Suite 270, Los Gatos, CA 95032-7698

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mario Nemirovsky

TITLE OF PERSON IF OTHER THAN OWNER Chief Technical Officer

ADDRESS OF PERSON SIGNING 750 University Ave., Suite 270, Los Gatos, CA 95032-7698

SIGNATURE

DATE 6/26/00